

REFERENCE TITLE: state claims; technical correction

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2257

Introduced by
Representative Tully

AN ACT

AMENDING SECTION 35-191, ARIZONA REVISED STATUTES; RELATING TO CLAIMS AGAINST THE STATE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 35-191, Arizona Revised Statutes, is amended to
3 read:

4 35-191. Administrative adjustment; refunds; presentation and
5 disposition of claims; exemption

6 A. A claim against this state arising out of contractual relations
7 which has not been paid because of failure to file within the time prescribed
8 by law, or because of any other technical defect not affecting the validity
9 or the contractual liability of this state, is subject to administrative
10 adjustment as provided in this section. A claim against this state arising
11 from orders for goods or services made in one fiscal year and received in the
12 next fiscal year is subject to administrative adjustment as provided in this
13 section if written documentation is provided by the ordering budget unit and
14 written approval is granted by the director of the department of
15 administration. The budget unit shall keep on file the written documentation
16 and authorization by the director.

17 B. If a claim from the prior fiscal year is presented within one year
18 and if sufficient funds remain in the reverted appropriation to pay the
19 claim, the department of administration, upon approval of the claim, shall
20 draw a warrant in payment of the claim and the warrant shall be paid out of
21 the fund to which the unused appropriation reverted.

22 C. If a claim is presented which is more than one fiscal year and less
23 than four fiscal years old and if sufficient funds remain in the reverted
24 appropriation to pay the claim the department of administration shall present
25 the claim to the legislature requesting an appropriation of monies sufficient
26 for payment of the claim.

27 D. Claims of three hundred dollars or less from a prior fiscal year
28 presented for payment by June 30 of the fourth subsequent fiscal year may be
29 paid out of an available current year appropriation of the ~~requesting agency~~
30 **BUDGET UNIT** if it is determined to be in the best interest of this state and
31 is approved by the director of the department of administration.

32 E. A claim for refund on any fee, license, permit or erroneous
33 payment, the revenue having been placed in any separate fund, or the general
34 fund, is subject to this section if no specific provision for refund is
35 prescribed by law. If a claim for refund is approved, payment shall be made
36 out of any unexpended or unappropriated balance in the separate fund or
37 general fund.

38 F. If this state's liability cannot be determined until a subsequent
39 fiscal year but is resolved administratively after one fiscal year, the claim
40 shall be paid from the appropriation for the year in which the liability is
41 determined in accordance with the procedures established by the department of
42 administration.

43 G. All claims filed under the provisions of this section shall be
44 presented to the department of administration in the manner prescribed by law

1 and procedures established by the department of administration for
2 presentation and audit of claims.

3 H. The provisions of this section do not apply to a claim for damages
4 for injury to a person or property and any claim if the goods or services
5 were received four fiscal years prior to the presentation of the claim.